

WEST VALLEY CITY, UTAH

ORDINANCE NO. _____

Draft Date: 3/30/09; 4/30/09; 5/13/09

Date Adopted: _____

Date Effective: _____

**AN ORDINANCE AMENDING SECTIONS 17-8-101, 17-8-103
AND REPEALING SECTIONS 17-8-105 AND 17-8-106 OF TITLE
17 OF THE WEST VALLEY CITY MUNICIPAL CODE
REGARDING PUBLIC RECREATION.**

WHEREAS, staff recommends a text change that will provide guidelines for Indoor and Outdoor Public Recreation in order to ensure that these events are conducted in appropriate locations; and

WHEREAS, the City Council of West Valley City, Utah, hereby determines that it is in the best interest of the citizens of West Valley City to amend Sections 17-8-101, 17-8-103 and repeal Sections 17-8-105, and 17-8-106 of Title 17 of the West Valley Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of West Valley City, Utah, as follows:

Section 1. Amendment. Sections 17-8-101, 17-8-103 of Title 17 of the West Valley Municipal Code of the West Valley Municipal Code are hereby amended as follows:

17-8-101. DEFINITIONS.

(1) **Community Events** means indoor or outdoor public recreations that are not for profit and that are primarily sponsored or promoted by a non-profit organization, such as a charitable, civic, cultural, governmental, school, or community organization.

(2) **Indoor Public Recreation** means a concert, fair, festival, bazaar, athletic contest, or other event held, shown or presented within an indoor structure, which 500 or more patrons may attend, or any event subject to UCA 63C-11-101 et seq. regardless of size.

(3) **Outdoor Public Recreation** means:

- (a) A concert, fair, festival, bazaar, athletic contest, or other similar event held out of doors, which 1,500 or more patrons may attend, or
- (b) Any racing event involving motorized vehicles, regardless of the number of patrons, or
- (c) Any event subject to UCA 63C-11-101 et seq. regardless of size.

17-8-103. PUBLIC HEALTH, SAFETY AND WELFARE REQUIREMENTS.

(1) As part of its business license application ~~as hereinbefore required~~, a public recreation applicant shall provide evidence of measures taken to reasonably protect the health, safety and welfare of the patrons to the public recreation and the public in general. Such evidence shall include, but is not limited to, the following:

- (a) A statement of the number of expected participants or potential number of participants with an explanation of how ~~said the~~ number was derived. ~~Said~~The number may be derived from but shall not be limited to items such as number of presold tickets, available seating and/or parking, past experience with similar

activities, etc.

- (b) A scaled drawing of the area in which the public recreation is held. ~~Said~~ The drawing shall show:
 - (i) Off-street parking facilities providing for one vehicle for every four patrons reasonably expected to attend the public recreation; ~~said~~ The parking ~~to be~~ shall be hard surface and striped or, if not hard-surfaced and striped, adequately regulated by parking personnel to insure orderly and safe ingress and egress from the parking facility;
 - (ii) Specific areas designated for ingress and egress of emergency vehicles. Such areas shall include appropriate barriers to regulate vehicular and pedestrian traffic; details to be included in said scaled drawing.
 - (iii) Specific areas designated for safe ingress and egress of vehicular traffic and for patron admission to insure the safety of patrons, the enforcement of State and local laws and ordinances and the exclusion of persons not entitled to entry. The adequacy of such areas shall be based upon the number of patrons reasonably expected to attend the public recreation.
- (c) A plan outlining adequate provisions for traffic control, crowd control and enforcement of City ordinances, State and federal laws and any other applicable regulations. ~~Said~~ The plan shall include, but is not limited to, the following:
 - (i) Number of enforcement personnel located at the premises;
 - (ii) Type of security personnel (i.e. private security, City police, county or state personnel);
 - (iii) Name and address of the private security agency providing security personnel if a private agency is used ~~and approved~~; and
 - (iv) Arrangements for communication between internal and external security personnel, including City personnel, if any, and arrangements for emergency communication with patrons.

(2) To insure the reasonable protection of the health, safety and welfare of the patrons to the public recreation and the public in general, the business license application, including the scaled drawing and other applicable documents, as hereinbefore required shall be subject to approval by the following personnel or agencies:

- (a) Chief of Police;
- (b) Fire Chief;
- (c) Community Development Department; ~~and Chief Building Official~~
- (d) City/County Health Department.

Approval by the above personnel and agencies shall be based upon compliance with and approval of the information required in (1) above, upon implementation by the public recreation of those measures outlined in (1) above, upon compliance by the applicant with City and State ordinances, statutes and regulations, upon compliance with other reasonable conditions imposed by the above personnel and/or agencies which reasonably protect the safety of patrons to the event and the public in general, and insured compliance with City and State laws by patrons.

Should any of the information required in (1) above change after issuance of the business license, the applicant shall submit said changes to the personnel or agencies listed in (2) above for their approval within 10 days of such change.

Section 2. Repealer. Sections 17-8-105 and 17-8-106 of Title 17 of the West Valley Municipal Code of the West Valley Municipal Code are hereby repealed as follows. Any provision of the West Valley City Code found to be in conflict with this Ordinance is hereby repealed.

CHAPTER 17-8 PUBLIC RECREATION

Sections:

- 17-8-101. Definitions.
 - 17-8-102. Policy.
 - 17-8-103. Public Health, Safety and Welfare Requirements.
 - 17-8-104. Indemnification and Insurance.
 - 17-8-105. ~~Possession and consumption of alcoholic beverages at a public recreation.~~ Repealed
 - 17-8-106. ~~Public recreation business licensee responsible for enforcement.~~ Repealed.
 - 17-8-107. Continued compliance, adequate personnel, other provisions.
 - 17-8-108. Inspections.
 - 17-8-109. Penalty.
 - 17-8-110. Exemption for government-operated or - sponsored public recreations.
 - 17-8-111. License Fees.
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17-8-105. ~~POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT A PUBLIC RECREATION.~~ REPEALED.

~~_____ (1) At a public recreation that is not also a Class 'D' beer licensed premises, it shall be unlawful for any person to bring onto the premises or to possess or consume any alcoholic beverage.~~

~~_____ (2) At a public recreation that is also a Class 'D' beer licensed premises, it shall be unlawful for any person to bring onto the premises any alcoholic beverage or to possess or consume any alcoholic beverage, not purchased from the Class 'D' beer licensee of said premises.~~

17-8-106. ~~PUBLIC RECREATION BUSINESS LICENSEE RESPONSIBLE FOR ENFORCEMENT.~~ REPEALED.

~~_____ (1) It shall be unlawful for any business licensee of a public recreation to not actively enforce Section 17-8-105.~~

~~_____ (2) As used in the section, "to not actively enforce" shall be demonstrated by any of the following:~~

- ~~_____ (a) For a public recreation that is not also a Class 'D' beer licensed premises:~~
 - ~~_____ (i) Intentionally permitting persons to bring alcoholic beverages onto the premises;~~
 - ~~_____ (ii) Knowingly permitting persons to have in their possession or to consume alcoholic beverages and failing to take any action to stop said possession or consumption.~~

- ~~_____ (b) For a public recreation that is also a Class 'D' beer licensed premises:~~
 - ~~_____ (i) Intentionally permitting persons to bring alcoholic beverages onto the premises;~~
 - ~~_____ (ii) Knowingly permitting persons to have in their possession or to consume alcoholic beverages which have not been purchased on the premises and~~

~~failing to take any action to stop said possession or consumption.~~

~~(3) It shall be the responsibility of the public recreation business licensee to notify the patrons of the licensed premises, of the prohibitions set forth in this Chapter, and that said prohibitions will be enforced by the business licensee. Said notice shall consist of the following:~~

- ~~(a) Signs conspicuously posted throughout the licensed premises of a size and in a number sufficient to reasonably assure notification of all patrons; and~~
- ~~(b) By use of other appropriate and reasonable means of communication, which may include but are not limited to flyers, loudspeaker announcements, personal contact, radio or TV advertisements, or printing on admission tickets.~~

Section 3. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This Ordinance shall take effect immediately upon posting in the manner required by law.

PASSED and APPROVED this _____ day of _____, 2009.

WEST VALLEY CITY

MAYOR

ATTEST:

CITY RECORDER